

ASSEMBLY BILL

No. 1264

Introduced by Assembly Member Benoit

February 21, 2003

An act to amend Section 4216.8 of the Government Code, relating to excavation equipment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as introduced, Benoit. Regional notification centers: excavation equipment: exclusions.

Existing law requires, except in an emergency, every person to contact a regional notification center, as defined, before conducting any excavation, as defined, in an area that is known, or reasonably should be known, to contain subsurface installations, as defined. Existing law imposes civil penalties upon those who fail to comply with these requirements, as provided. Existing law exempts from these requirements an owner of real property who contracts with a licensed contractor or subcontractor for an excavation project that does not require a permit from a state or local agency, or a residential real property owner that is not a licensed contractor or subcontractor who, as part of improving his or her principal residence, is performing or is having performed excavation that does not require a permit from a state or local agency.

This bill would additionally exclude from these requirements any person or private entity that rents or leases excavation equipment to a licensed contractor or subcontractor, and any person, including an employee, that operates leased or rented excavation equipment.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4216.8 of the Government Code is amended to read:

4216.8. This article does not apply to any of the following persons:

(a) An owner of real property who contracts for an excavation project on the property, not requiring a permit issued by a state or local agency, with a contractor or subcontractor licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code.

(b) An owner of residential real property, not engaged as a contractor or subcontractor licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, who as part of improving his or her principal residence or appurtenances thereto is performing or having performed excavation work not requiring a permit issued by a state or local agency.

(c) *Any person or private entity that leases or rents excavation equipment to a contractor or subcontractor who is licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code.*

(d) *Any person, including an employee, that operates leased or rented excavation equipment.*